

REMARKS

The above amendments and following remarks are submitted under 37 C.F.R. 1.116 in response to the Final Official Action of the Examiner mailed July 19, 2002. Having addressed all objections and grounds of rejection, claims 1-20, being all the pending claims, are now deemed in condition for allowance. Entry of these amendments and reconsideration to that end is respectfully requested.

In accordance with the Examiner's Final Official Action, apparently all pending matters have been dealt with except for the rejection of claims 1-4, 5-8, 11-14, and 16-18 under 35 USC 1.2(e) as being anticipated by Hong and the rejection of claims 5, 9-10, 15, and 19 under 35 USC 103(a) as being unpatentable over Hong in view of Admitted Prior Art. Thus, apparently only claim 20 has been allowed.

The Examiner has rejected claims 1-4, 6-8, 11-14, and 16-18 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,266,673, issued to Hong et al (hereinafter referred to as "Hong"). This ground of rejection is respectfully traversed for the reasons provided below.

"It is axiomatic that for prior art to anticipate under §102 it has to meet every element of the claimed invention, and that such a determination is one of fact." *Hybritech Inc. v. Monoclon-*

al Antibodies, Inc., 802 F.2d 1367, 231 USPQ 81, 90 (Fed. Cir. 1986). Hong does not contain "every element of the claimed invention".

Specifically, from a hardware prospective, Claims 1, 6, 11, and 16, being all pending independent claims, each requires 1)a "user terminal" coupled to 2)a "data base management system" via 3)a "publically accessible digital data communication network (e.g., the Internet)". In short, this is important, because Applicants' invention is limited to a system having these three separate elements. In fact, Applicants have herewith provided further amendments to ensure that there is no confusion that the "user terminal" and "data base management system" communicate via the "publically accessible digital data communication network".

In making his rejection, the Examiner reads each of these three elements onto the single Computer System 100 of Hong. In rejecting claim 1, for example, he states:

- a) a user terminal (see col. 2, lines 60, through col. 3, line 6; see also col. 5, lines 25-64;
- b) a data base management system having access to a data base responsively coupled to said user terminal via a publically accessible digital data communication network (see col. 2, line 60 through col 3, line 6; see also col. 5, lines 25-64; and ... (emphasis added to show the duplication)

This is not surprising, because Hong clearly teaches a closed system in which the data base management system (DBMS) and the data base client are co-located within the same computer system 100. Hong clearly states at column 6, lines 11-15:

In the computer system 100 of **Fig. 1**, sequences of instructions comprised by the DBMS are executed by the processor 104 to carry out requests of a data base client.

It is most baffling that anyone could objectively read Hong and come to any other conclusion. Though Hong parenthetically refers to Internet 128, it teaches no "user terminal" and "data base management system" which communicate thereby. Coupling between those elements of Hong which allegedly provides the functionality claimed by Applicants is provided by internal bus 102 of computer system 100.

It appears unnecessary to repeat the Examiner's language with regard to independent claims 6, 11, and 16, because even a cursory glance shows that he repeats his error with regard to those claims.

Fig. 2 of Hong is apparently a software or functional diagram, as stated by Hong at column 2, lines 42-43:

FIG. 2 is a block diagram of a database system on which the present invention may be implemented;

Therefore, Fig. 2 cannot be utilized to show any particular hardware configuration, and Hong does not do so.

As to the obviousness rejections based upon the alleged combination, the Examiner continues to resist his obligation to show motivation to make and reasonable likelihood of success of the alleged combination as required by MPEP 2143. This is not surprising as Hong is an Oracle document, which understandable

does not attempt to motivate one of skill in the art to utilize a competing data base management system. Not surprisingly, these systems are not compatible.

Having thus responded to each objection and ground of rejection, Applicants respectfully request entry of this amendment and allowance of claims 1-20, being the only pending claims.

Respectfully submitted,

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Appendix A (Support for Claim Amendment)

1. (Second Amended) In a data processing environment having a user terminal responsively coupled via a publically accessible digital data communication network to a data base management system having at least one data base, the improvement comprising:

a [non-SQL] service request generated by said user terminal and transferred to said data base management system via said publically accessible digital data communication network which creates a non-relational empty data set with a specified data set ID within the data base management system.

2. (Once Amended) The improvement according to claim 1 wherein said data base management system further comprises a repository in which said non-relational empty data set is created.

3. (Once Amended) The improvement according to claim 2 further comprising a parameter set associated with said non-SQL service request whereby said non-relational empty data set is created in accordance with said parameter set.

4. (Unchanged) The improvement according to claim 3 wherein said publically accessible digital data communication network further comprises the internet.

5. (Unchanged) The improvement according to claim 4 wherein said data base management system is MAPPER.

6. (Second Amended) An apparatus comprising:

- a. a user terminal;
- b. a data base management system having access to a data base responsively coupled to said user terminal via a publically accessible digital data communication network; and
- c. a service request generated by said user terminal and transferred to said data base management system via said publically accessible digital data communication network which causes said data base management system to create an [a non-relational] empty data set having a specified data set ID.

7. (Second Amended) The apparatus of claim 6 wherein said data base management system further comprises a repository in which said [non-relational] empty data set is created.

8. (Second Amended) The apparatus of claim 7 wherein said service request further comprises a non-SQL service request

having a parameter set which defines said [non-relational] empty data set.

9. (Unchanged) The apparatus of claim 8 wherein said data base management system further comprises MAPPER.

10. (Unchanged) The apparatus of claim 9 wherein said publically accessible digital data communication network further comprises the world wide web.

11. (Twice Amended) A method of utilizing a user terminal to access a remote data base management system having a data base via a publically accessible digital data communication network comprising:

a. transmitting a service request from said user terminal via said publically accessible digital data communication network;

b. receiving said service request by said remote data base management system; and

c. creating a non-relational empty data set by said data base management system in response to receipt of said service request.

12. (Once Amended) A method according to claim 11 wherein said creating step further comprises defining said non-relational empty data set in response to parameters associated with said service request.

13. (Once Amended) A method according to claim 12 wherein said creating step further comprises creating said non-relational empty data set within a repository of said data base management system.

14. (Unchanged) A method according to claim 13 wherein said publically accessible digital data communication network further comprises the internet.

15. (Unchanged) A method according to claim 14 wherein said remote data base management system further comprises the MAPPER data base management system.

16. (Second Amended) An apparatus comprising:

a. means for permitting a user to interact using a non-SQL service request with a data base [responsively coupled] via a publically accessible digital data communication network;

b. means responsively coupled to said permitting means via said publically accessible digital data communication network for

offering data processing services involving access to said data base in response to said on-SQL service request; and

c. means for creating an empty data set within said data base management system.

17. (Unchanged) An apparatus according to claim 16 wherein said publically accessible digital data communication network further comprises the internet.

18. (Once Amended) An apparatus according to claim 17 wherein said permitting means further comprises means for generating and transmitting said non-SQL service request requesting said data base management system to execute said creating step.

19. (Unchanged) An apparatus according to claim 18 wherein said offering means further comprises MAPPER data base management system.

20. (Unchanged) An apparatus according to claim 19 wherein said permitting means further comprises an industry standard personal computer.